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MEMORANDUM FOR: Director of Central Intelligence

SUBJECT: Senator Eugene J. McCarthy's Proposal for
Review of CIA Operations

1. This is for the information of the Director of Central Intelligence.

2. On 5 November 1965, Senator Eugene J. McCarthy (D., Minn.) announced his intention to introduce in the Senate next year a resolution calling for the establishment of a special Senate Committee to conduct a year-long review of CIA operations and report at the outset of the 90th Congress in 1967. Senator McCarthy pointed out in a news release that the Agency's "highly secret role in the Dominican Republic, Vietnam, Cuba and other crisis areas has raised serious questions about the relationship of the Agency to the process of making and directing foreign policy." He added that "under-cover and paramilitary operations have a direct bearing on foreign policy and indirectly on the constitutional responsibility of Congress for defense and war."

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3. In past Congresses, Senator McCarthy has introduced resolutions calling for the establishment of a "watchdog" committee on foreign information and intelligence. His resolutions would confer upon this joint committee Congressional jurisdiction over all "foreign information and intelligence" activities. McCarthy's resolutions have been referred to the Foreign Relations Committee which has never held hearings on the proposals, however, these resolutions would raise serious Committee

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jurisdictional issues. For example, the intelligence branches of the military services and the CIA are presently under the jurisdiction of the Armed Services Committee while the intelligence and information branches of the State Department and USIA are under the Foreign Relations Committee. It is inconceivable that these two committees would give up these areas of their responsibilities. We would also assume that the other departments and agencies would not look with favor on a split committee arrangement. The distinctions between the proposals he has introduced in the past and the one announced in his recent statement are most important. Senator McCarthy has been quoted as saying that he believes the "investigation resolution" would have a much greater chance for passage than his earlier "watchdog" resolutions. This feeling is undoubtedly based on the assumption that a number of members who might be opposed to more drastic action would see no harm in having a temporary committee review the need.

4. According to the Senator's announcement, the investigation committee would be composed of nine members of the Senate. It would conduct an investigation during 1966 and in early 1967 would recommend to the Senate possible changes in both the operations of the Agency and its supervision. The Senator gave as an example a recommendation favoring the establishment of a permanent "watchdog committee." The prospect of the new resolution raises a number of important issues:

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a. Whether or not the intelligence function of the Executive Branch should be the subject of legislative "investigation."

b. Whether the present Committee jurisdictions should be changed since the Agency is and has been under the legislative oversight of the Armed Services Committees of both Houses since its establishment.

c. Whether Senator McCarthy proposes to investigate the entire intelligence community as his statement would tend to indicate, or whether his resolution would be limited to the investigation of the "operations" of CIA only.

d. As a corollary to the above points, whether the "investigation" would be conducted by the members of such a special committee in executive hearings or whether it would include investigation by staff personnel of the special committee.

5. The thrust of Senator McCarthy's concern with respect to the Agency has been based on what he regards as a constitutional issue. He has expressed the concern both publicly and privately that the scope of CIA's authority is so broad that in carrying out its various activities it could take actions which could directly or indirectly commit the United States to war. As has been mentioned earlier, he has also questioned the adequacy of the present committee jurisdiction. He feels that the

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existing CIA Subcommittees in the Armed Services and Appropriations Committees have not and are not reviewing CIA matters in any significant depth. He expressed some of these views before the Senate Armed Services Committee in the confirmation hearings on Mr. McCone's appointment as DCI. The hearings are attached as Tab A.

6. In discussing the subject of a joint committee on intelligence it should be recognized that a number of members of the Congress who are well disposed toward the Agency have expressed their opinion that establishment of a joint committee would be in the Agency's best interest. For example, Senator Thomas J. Dodd recently advised us that he was seriously considering introducing a joint committee bill himself. His consideration was based on his own conclusion that more and more members of the Senate were expressing views in support of a joint committee. Senator Dodd would be greatly concerned if a joint committee on CIA is established, as proposed in some of these resolutions with membership based strictly on seniority. It is his view that if there is to be a joint committee, the membership should be designated by the President of the Senate and the Speaker of the House of Representatives in order to assure that the members are responsible persons who would maintain the confidential relationship necessarily involved.

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7. In the past, it has been the position of the Agency that the wisdom of establishing a joint committee on intelligence is a question of how the Congress should organize itself and, therefore, one in which the Agency should not take a formal position. Whether the Agency would maintain this view with respect to Senator McCarthy's new proposal is a matter for determination. Our Subcommittee members, particularly in the Senate, have always expressed the opinion that they have sufficient votes to defeat a joint committee proposal. It is quite possible, however, that they would not be able to rally the same support against the establishment of an investigative committee. It is believed that, before Congress reconvenes in January, the Agency should reexamine this position with respect to the new proposal.

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